

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

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To:

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## WRITTEN OPINION (PCT Rule 66)

Date of mailing  
(day/month/year)

17.12.2003

Applicant's or agent's file reference  
HWKP 2 00008 PCT

**REPLY DUE**

**within 3 month(s)**  
from the above date of mailing

International application No.  
PCT/US 03/00847

International filing date (day/month/year)  
13.01.2003

Priority date (day/month/year)  
15.01.2002

International Patent Classification (IPC) or both national classification and IPC  
B30B11/02

Applicant  
HAWK PRECISION COMPONENTS GROUP, INC.

1. This written opinion is the **second** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
  - I ☒ Basis of the opinion
  - II ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.
 

**When?** See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also:** For an additional opportunity to submit amendments, see Rule 66.4.  
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.  
For an informal communication with the examiner, see Rule 66.6.

**If no reply is filed,** the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 15.05.2004

Name and mailing address of the international preliminary examining authority:



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"DOCKETED"

**I. Basis of the opinion**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

**Description, Pages**

1-15 as originally filed

**Claims, Numbers**

1-28 as originally filed

**Drawings, Sheets**

1/7-7/7 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	1-4,6,10,22-28
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Inventive step (IS)	Claims	5,7-9,11-21
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Industrial applicability (IA)	Claims	-
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**2. Citations and explanations****see separate sheet**

**Re Item V**

**Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Reference is made to the following documents:

**D1:** DE-A-40 03 016 A (REITTER ERHARDT) 8 August 1991 (1991-08-08)

**D2:** US-A-2 509 783 (RICHARDSON LLOYD D) 30 May 1950 (1950-05-30)

**D3:** US-A-4 482 307 (HERREN DIETMAR ET AL) 13 November 1984 (1984-11-13) cited in the application

2. It is noted that claims **13 and 22** comprise all features of claim **1**, and are therefore to be considered as claims dependent on claim **1**.

In order to overcome this objection, it would appear appropriate to file an amended set of claims defining the relevant subject-matter in terms of a single independent claim followed by dependent claims covering features which are merely optional (Rule 6.4 PCT).

3. The present application does not satisfy the criterion set forth in Article 33(2) PCT because the subject-matter of claims **1 to 4, 6, 10 and 22 to 28** is not new in respect of prior art as defined in the regulations (Rule 64(1)-(3) PCT).

- 3.1 The document D1 is regarded as being the closest prior art to the subject-matter of claim **1**, and discloses (the references in parentheses applying to this document):

A tool rig (10) suitable for the compaction of particulate materials, comprising:  
a base(13); a cylinder block (12) disposed on the base (13);  
at least two pistons (14,15) disposed within the cylinder block (12), wherein one piston(14) is at least partially disposed within one other piston(15); and  
means (29) for connecting an energy supply (43) to at least one of the pistons (14,15) from the inner diameter of at least one of the pistons(14).

**The subject-matter of claim 1 is therefore not novel (Article 33(2) PCT).**

- 3.2** The subject-matter of dependent claim 22 differs from claim 1 in that the tool rig is disposed in a press frame. It is implicitly disclosed in the document D1. **The subject-matter of claim 22 is therefore not novel (Article 33(2) PCT).**
- 3.3** It appears that document D1 also discloses the subject-matter of claim 2 to 4, 6, 10 and 23 to 28. **The subject-matter of claims 2 to 4, 6, 10 and 23 to 28 is therefore not novel (Article 33(2) PCT).**
- 4.** Dependent claims 5, 7 to 9, 11 to 21 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step.

The features of dependent claims 5, 7 to 9, 11 to 21 have already been employed for the same purpose in a similar tool rig (tool rig in a press):

- claims 5, 7, 8, 17; see document D2; figure 1;
- claims 9, 11, 12, 18 to 21 see document D3; figure 1, references 18, 19, 34, 35, 52, 54, 56;
- claims 14 to 16 ; see document D1; figure 1;

It would therefore be obvious to the person skilled in the art, to apply these features with corresponding effect to a tool rig (tool rig in a press) according to document D1, thereby arriving at a tool rig (tool rig in a press) according to claims 5, 7 to 9, 11, 12, 14 to 21.

- claim 13; the feature of having " two channels, wherein one channel provides an energy supply to one piston and one other channel provides an energy supply to one other piston" is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill.

**The subject-matter of claims 5, 7 to 9, 11 to 21 is therefore not inventive (Article 33(3) PCT).**

- 5.** The features of the claims are not provided with reference signs placed in

parentheses (Rule 6.2(b) PCT).

6. Independent claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
7. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 and D2 is not mentioned in the description, nor are these documents identified therein.